



**DECLARATION OF CUSTODIAN OF RECORDS
CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION
Enforcement Division**

CERTIFICATION OF RECORDS

The undersigned declares and certifies as follows:

1. I am employed by the California Fair Political Practices Commission (hereafter the "Commission"). My business address is: California Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, CA 95814.

2. I am a duly authorized custodian of the records maintained by the Commission in the Enforcement Division. I am authorized to certify copies of those records as being true and correct copies of the original records of the case which is in the custody of the Commission.

3. I have reviewed documents maintained in *FPPC Case No. 04/250, Latino Builders Industry Association*, and have caused copies to be made of documents contained therein. I certify that the copies attached hereto are true and correct copies of the documents maintained by the FPPC in that file in the normal course of agency business. The attached documents are as follows:

- Proof of Service for Report in Support of a Finding of Probable Cause dated November 9, 2007, and a Letter from Respondent's attorney containing authority to accept service (pp. 2-3).
- Letter dated November 9, 2007 to Respondent regarding probable cause proceedings (pp. 4-5).
- Ex Parte Request for a Finding of Probable Cause dated December 5, 2007 (pp. 6-8).
- Facsimile transmission receipt for notice to Respondent of Ex Parte Request for a Finding of Probable Cause dated December 5, 2007 (p. 9).
- Order Finding Probable Cause (pp. 10-12).
- Proof of Service for Accusation, and Accompanying documents, and Letter from Respondent's attorney dated October 24, 2007 containing authority to accept service on Respondent's behalf (pp. 13-14).
- Letter from Melodee A. Mathay dated December 24, 2007 to Respondent's attorney advising of the default proceedings (p.15).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on December 24, 2007, at Sacramento, California.

A handwritten signature in cursive script that reads "Sylvia Venable".
Sylvia Venable

In the Matter of Latino Builders Industry Association
(FPPC Case No. 04/250)

PROOF OF SERVICE

I am a citizen of the United States, employed in the City and County of Sacramento. My business address is 428 J Street, Suite 620, Sacramento, California 95814. I am over the age of 18 years, and not a party to the within action. On this date, I served the following:

Report in Support of a Finding of Probable Cause

MANNER OF SERVICE

(U.S. Mail) By causing a true copy thereof to be served on the parties in this action through the U.S. Mail addressed as listed below. I am familiar with the procedure of the Fair Political Practices Commission for collection and processing of correspondence for mailing with the United States Postal Service, and the fact that the correspondence would be deposited with the United States Postal Service that same day in the ordinary course of business.

PARTIES SERVED AND ADDRESS

Aimee E. Dudovitz
Strumwasser & Woocher
100 Wilshire Boulevard, Suite 1900
Santa Monica, CA 90401

Respondent Latino Builders Industry Association

I declare under penalty of perjury that the foregoing is true and correct and that this document was executed on November 9, 2007 at Sacramento, California.


Joan Compagno-Wright

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

OFFICIAL USE	
Postage \$	Postmark Here
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Return Receipt Fee (Endorsement Required)	
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Total Postage & Fees \$	
Sent to Aimee E. Dudovitz Street, Apt. No., or PO Box No. 100 Wilshire Blvd 1900 City, State, ZIP+4 Santa Monica, CA 90401	

7006 0810 0000 0000 0000 0000

STRUMWASSER & WOOCHEER LLP

ATTORNEYS AT LAW

100 WILSHIRE BOULEVARD, SUITE 1900
SANTA MONICA, CALIFORNIA 90401

TELEPHONE: (310) 576-1233
FACSIMILE: (310) 319-0156

FREDRIC D. WOOCHEER
MICHAEL J. STRUMWASSER
GREGORY G. LUKE†
AIMEE E. DUDOVITZ
ZAHIRAH WASHINGTON
BRYCE GEE
ELLEN Y. YANG
BEVERLY GROSSMAN PALMER

†Also admitted to practice in New York and Massachusetts

November 14, 2007

VIA FACSIMILE & U.S. MAIL

Melodee A. Mathay
Senior Commission Counsel
Enforcement Division
Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, California 95814-2329
Facsimile: (916) 322-0886

Re: FPPC No. 04/250 — Latino Builders Industry Association

Dear Ms. Mathay:

This letter will confirm that we are authorized to accept service of the Report in Support of a Finding of Probable Cause in the above matter on behalf of the Latino Builders Industry Association, which Report was received by our office on November 13, 2007.

Please contact me if you have any questions or if I can provide you with any additional information.

Sincerely,


Aimee Dudovitz



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

November 9, 2007

Via Certified Mail - Return Receipt Requested

Aimee E. Dudovitz
Strumwasser & Woocher
100 Wilshire Boulevard, Suite 1900
Santa Monica, CA 90401

Re: FPPC No. 04/250, Latino Builders Industry Association

Dear Ms. Dudovitz:

As you are aware, the Fair Political Practices Commission (the "Commission") completed its investigation and review of allegations concerning your client in the aforementioned case. Our investigation concerned campaign contributions made to local and state candidates in the San Diego area. Based on our investigation and review, we have determined that your client violated the Political Reform Act (the "Act"),¹ by making eleven campaign contributions in the names of other persons. We have further determined that prosecution for these violations is warranted.

On October 24, 2007, we received your letter indicating that you were authorized to accept service of the accusation in the above matter on behalf of your client. In telephone conversations, you have indicated that you would be authorized to accept service of the probable cause report, and therefore, we are serving the enclosed report on you. Please confirm in writing that you are authorized to accept service of this document on behalf of your client.

Enclosed please find the Report in Support of a Finding of Probable Cause detailing each violation pursuant to Section 83115.5. You have the opportunity to respond in writing to the probable cause report and orally present your case to our Executive Director at a probable cause conference held in our offices in Sacramento. Please review the instructions regarding probable cause proceedings enclosed in this mailing.

If you and your client desire a probable cause conference you must request one in writing on or before **December 5, 2007**. Thereafter, a probable cause conference will be scheduled in our

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18109 through 18997 of title 2 of the California Code of Regulations. All regulatory references are to title 2, division 6 of the California Code of Regulations, unless otherwise indicated.

Ms. Dudovitz
November 9, 2007
Page 2

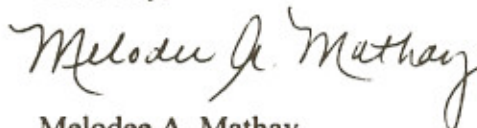
offices in Sacramento. You and your client may appear at this conference in person or by telephone. If we do not hear from you by the December 5th date, a probable cause conference will not be held and probable cause will be determined based on the enclosed probable cause report and any written response you wish to submit within 21 days from the date of this letter.

If the Executive Director finds that there is probable cause to believe your client violated the Act, a public accusation will issue pursuant to Section 83116 and the matter will proceed through the administrative hearing process. Following a hearing on the matter, the Administrative Law Judge will issue a proposed decision for approval or rejection by the Commission.

If I do not hear from you on or before **December 5, 2007**, the probable cause proceedings will go forward as discussed above. You may submit a written response within 21 days from the date of this letter, whether or not you request a probable cause conference. If you wish to waive the 21 day notice, the written response and the probable cause conference, please confirm in writing that you are waiving these requirements.

If you have any questions or wish to discuss this case, please feel free to contact me at (916) 322-5660. For your information, I will be out of the office from November 12 through November 25, 2007, returning to the office on November 27, 2007. Thank you for your continued cooperation in working to resolve this matter.

Sincerely,



Melodee A. Mathay
Senior Commission Counsel
Enforcement Division

Enclosures

1 AMANDA H. SAXTON
Chief of Enforcement
2 MELODEE A. MATHAY
Senior Commission Counsel
3 Fair Political Practices Commission
428 J. Street, Suite 620
4 Sacramento, California 95814
Telephone: (916) 322-5660
5 Facsimile: (916) 322-1932

6 Attorneys for Complainant

7
8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
9 STATE OF CALIFORNIA
10

11
12 In the Matter of

FPPC No. 04/250

13
14 LATINO BUILDERS INDUSTRY
15 ASSOCIATION,

EX PARTE REQUEST FOR A FINDING OF
PROBABLE CAUSE AND AN ORDER
THAT AN ACCUSATION BE PREPARED
AND SERVED

16
17 Respondent.

(Gov. Code §§ 83115.5 and 83116)

18 TO MICHAEL B. SALERNO, EXECUTIVE DIRECTOR OF THE FAIR
19 POLITICAL PRACTICES COMMISSION:
20

21 Pursuant to Section 83115.5 of the Political Reform Act (the "Act"),¹ and Regulation
22 18361.4, the Executive Director is required to make a finding of probable cause to believe a
23 respondent has violated the Act upon the proper service of a probable cause report containing a
24 summary of the evidence, and informing the respondent of his right to be present, and be represented
25
26

27 ¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are
28 to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are
contained in Sections 18109 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are
to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

1 by counsel, at any proceeding of the Commission held for the purpose of considering whether
2 probable cause exists to believe the person violated the Act.

3 In this matter, Respondent Latino Builders Industry Association was served with a copy of a
4 Report in Support of a Finding of Probable Cause (hereinafter "probable cause report") in the above-
5 entitled matter. Said probable cause report (attached as "Exhibit A"), was part of a package of
6 materials, including a cover letter and a fact sheet describing the probable cause proceedings, that
7 were served on Respondent's attorney of record on November 9, 2007. (A copy of the proof of
8 service for the packet and a copy of the letter authorizing service of the probable cause report on
9 Respondent's attorney of record are attached as "Exhibit B".)

10 Between November 2001 and October 2004, Respondent Latino Builders Industry
11 Association allegedly violated Section 84301 by making eleven campaign contributions in the name
12 of another person without revealing to the recipient of the contributions that the Respondent was the
13 true source of the contributions.

14 On October 12, 2007, Respondent, through its attorney, submitted a letter waiving its right to
15 a determination of probable cause pursuant to Regulation 18361.4. (A copy of the letter from
16 Respondent's counsel waiving the requirements of Regulation 18361.4 is attached as Exhibit C.) As
17 of the date of this request, Respondent has not filed a written response to the probable cause report
18 or requested that a probable cause conference be held in this matter. Based on the foregoing, the
19 Enforcement Division requests that an Accusation be issued against Respondent alleging eleven
20 violations of Section 84301.

21 WHEREFORE, the Enforcement Division requests a finding by the Executive Director,
22 based on the contents of the attached probable cause report only, that probable cause exists to
23 believe that Respondent Latino Builders Industry Association committed eleven violations of the
24 Act, as set forth in the probable cause report.

25 The Enforcement Division requests an order by the Executive Director, after making a
26 finding of probable cause, that an Accusation be prepared, pursuant to Section 11503, and served
27 upon Respondent forthwith.
28

1 A copy of this Request was sent by facsimile and mailed to Respondent on December 5,
2 2007 at the address of its attorney of record, as follows:

3
4 Aimee Dudovitz
5 Strumwasser & Woocher
6 100 Wilshire Boulevard, Suite 1900
7 Santa Monica, CA 90401

8 Dated: 12/5/07

9 Respectfully submitted,
10 Amanda H. Saxton
11 Chief, Enforcement Division

12 
13 Melodee A. Mathay
14 Senior Commission Counsel

Transmission Report

Date/Time
Local ID 1
Local ID 2

12-05-2007
3221932

03:17:58 p.m.

Transmit Header Text
Local Name 1
Local Name 2

FPPC ENFORCEMENT

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"

FACSIMILE COVER PAGE

FAIR POLITICAL PRACTICES COMMISSION

428 J Street, Suite 620, Sacramento, CA 95814
Telephone: (916) 322-5660

FAX: Enforcement Division (916) 322-1932

CONFIDENTIALITY NOTICE: The information contained in this facsimile transmission is confidential, and may be legally privileged, legally protected attorney work-product, or may be inside information. The information is intended only for the use of the recipient(s) named below. If you have received this information in error, please immediately notify us by telephone to arrange for return of all documents. Any unauthorized disclosure, distribution, or taking of any action in reliance on the contents of this information is strictly prohibited and may be unlawful.

Please deliver the following 27 pages, including this cover page, to:

Original will x will not follow.

NAME	Aimee Dudovitz
COMPANY	Strumwasser & Woocher LLP
FAX NO.	310-319-0156
TELEPHONE NO.	310-576-1233
LOCATION	Santa Monica, California
DATE	December 5, 2007
TIME	<u>2¹²</u> p.m.
FROM	Melodee A. Mathay Phone 916-322-5660
RE:	FPPC No. 04/250. Latino Builders Industry Association.

COMMENTS

Please deliver to Ms. Dudovitz immediately.

Total Pages Scanned : 27

Total Pages Confirmed : 27

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	490	310 319 0156	03:11:36 p.m. 12-05-2007	00:05:28	27/27	1	EC	HS	CP26400

Abbreviations:

HS: Host send
HR: Host receive
WS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
CP: Completed
FA: Fail

TU: Terminated by user
TS: Terminated by system
RP: Report

G3: Group 3
FC: Error Correct

1 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
2 STATE OF CALIFORNIA

3
4 In the Matter of

FPPC No. 04/250

5
6 LATINO BUILDERS INDUSTRY
7 ASSOCIATION,

ORDER FINDING PROBABLE CAUSE

8
9 Respondent.
10

11 By means of an Ex Parte Request dated December 5, 2007, the Enforcement Division submitted
12 the above-entitled matter to the Executive Director for a determination of probable cause. As set forth in
13 the Ex Parte Request, on November 9, 2007, the Enforcement Division served a Report in Support of a
14 Finding of Probable Cause ("probable cause report") on the Respondent concerning this matter.
15 Personal service was made on Respondent through its attorney, who had written authorization to accept
16 service on its behalf. Accompanying the probable cause report was a packet of materials that informed
17 Respondent of its right to file a written response to the probable cause report within 21 days following
18 service of the probable cause report, and to request a probable cause conference. During the 21 days
19 that followed service of the probable cause report, Respondent failed to request a probable cause
20 conference or file a written response to the probable cause report.

21 On October 12, 2007, Respondent, through its attorney of record, also submitted written notice
22 waiving its right to a determination of probable cause pursuant to California Code of Regulations Title
23 2, Section 18361.4.¹ Pursuant to 18361.4, a determination of probable cause may be made solely on a
24 probable cause report where the respondent does not submit a written response within 21 days of being
25 served with the probable cause report, or request that a probable cause conference be held.
26

27 ¹ The regulations of the Fair Political Practices Commission are contained in Sections 18109 through 18997 of Title 2 of the
28 California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations,
unless otherwise indicated.

1 In making a probable cause determination, it is the duty of the Executive Director of the Fair
2 Political Practices Commission to determine whether probable cause exists for believing that a
3 respondent has violated the Political Reform Act as alleged by the Enforcement Division in the probable
4 cause report served on the respondent.

5 Probable cause to believe a violation has occurred can be found to exist when "the evidence is
6 sufficient to lead a person of ordinary caution and prudence to believe or entertain a strong suspicion
7 that the proposed respondent(s) committed or caused a violation." (Regulation 18361.4, subdivision (e).)

8 The probable cause report served on the Respondent in this matter alleges that it committed
9 eleven violations of the Political Reform Act, as follows:

10
11 COUNT 1: On or about November 5, 2001, Respondent Latino Builders Industry
12 Association made a \$250 contribution to Bob Griego, a candidate for Chula
13 Vista City Council, in the name of Ricardo Gomez, rather than its own name, in
14 violation of Section 84301 of the Government Code.

15
16 COUNT 2: On or about November 5, 2001, Respondent Latino Builders Industry
17 Association made a \$250 contribution to Bob Griego, a candidate for Chula
18 Vista City Council, in the name of James Ridley, rather than its own name, in
19 violation of Section 84301 of the Government Code.

20
21 COUNT 3: On or about November 15, 2001, Respondent Latino Builders Industry
22 Association made a \$250 contribution to Ralph Inzunza, a candidate for San
23 Diego City Council, in the name of James Ridley, rather than its own name, in
24 violation of Section 84301 of the Government Code.

25
26 COUNT 4: On or about December 6, 2001, Respondent Latino Builders Industry
27 Association made a \$500 contribution to Juan Vargas, a candidate for State
28 Assembly – 79th Assembly District, in the name of James Ridley, rather than its
own name, in violation of Section 84301 of the Government Code.

COUNT 5: On or about January 19, 2002, Respondent Latino Builders Industry Association
made a \$250 contribution to Steve Padilla, a candidate for Chula Vista City
Council, in the name of J.V. Gomez, rather than its own name, in violation of
Section 84301 of the Government Code.

COUNT 6: On or about February 1, 2002, Respondent Latino Builders Industry Association
made a \$250 contribution to Steve Padilla, a candidate for Chula Vista City
Council, in the name of Visaya Cunanan, rather than its own name, in violation
of Section 84301 of the Government Code.

COUNT 7: On or about August 15, 2002, Respondent Latino Builders Industry Association made a \$200 contribution to Greg Sandoval, a candidate for Sweetwater Union High School District Board of Trustees, in the name of Visaya Cunanan, rather than its own name, in violation of Section 84301 of the Government Code.

COUNT 8: On or about October 24, 2002, Respondent Latino Builders Industry Association made a \$100 contribution to Nick Inzunza, a candidate for Mayor of National City, in the name of Ricardo Gomez, rather than its own name, in violation of Section 84301 of the Government Code.

COUNT 9: On or about September 24, 2003, Respondent Latino Builders Industry Association made a \$100 contribution to Steve Castaneda, a candidate for Chula Vista City Council, in the name of Julissa Cabrera, rather than its own name, in violation of Section 84301 of the Government Code.

COUNT 10: On or about October 14, 2004, Respondent Latino Builders Industry Association made a \$200 contribution to Steve Castaneda, a candidate for Chula Vista City Council, in the name of Julissa Cabrera, rather than its own name, in violation of Section 84301 of the Government Code.


COUNT 11: On or about October 27, 2004, Respondent Latino Builders Industry Association made a \$250 contribution to Raquel Marquez, a candidate for San Ysidro School Board of Trustees, in the name of Julissa Cabrera, rather than its own name, in violation of Section 84301 of the Government Code.

Based on the Ex Parte Request for a Finding of Probable Cause given to me, I find that notice has been given to the Respondent as provided by Government Code Section 83115.5 and Regulation 18361.4, subdivision (b). I further find, based on the probable cause report, that there is probable cause to believe the Respondent Latino Builders Industry Association violated the Political Reform Act as alleged in Counts 1 through 11 of the probable cause report.

I therefore direct that the Enforcement Division issue an Accusation against Respondent in accordance with this Finding.

IT IS SO ORDERED.

Dated: 17/7/02


Michael B. Salerno
Executive Director



**Latino Builders Industry Association
FPPC Case No. 04/250**

PROOF OF SERVICE

I am a citizen of the United States, employed in the City and County of Sacramento, California. I am over the age of eighteen years and not a party to the above-entitled action; my business address is 428 J Street, Sacramento, California. On this date I served the parties a true and correct copy of the following document(s):

1. Statement to Respondent and Notice of Hearing
2. Accusation
3. Order Finding Probable Cause
4. Notice of Defense Form (2 copies)
5. Copies of Cal. Government Code Sections 11506 through 11508
6. Acknowledgement of Receipt and Waiver of Defect in Service

MANNER OF SERVICE

(Fed Ex) By placing in a sealed envelope designated for Federal Express service, with overnight delivery postage thereon fully prepaid, and depositing in a facility regularly maintained by Federal Express for receipt of overnight mail. I am familiar with the procedures of the Fair Political Practices Commission for collection and processing of correspondence for mailing with Federal Express in the ordinary course of business.

PARTY(IES) SERVED AND ADDRESS:

Aimee Dudovitz
Strumwasser & Woocher
100 Wilshire Boulevard, Suite 1900
Santa Monica, CA 90401

Attorney for Latino Builders Industry Association

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this document was executed on December 6, 2007 at Sacramento, California.

Sylvia Venable

STRUMWASSER & WOOCHEER LLP

ATTORNEYS AT LAW

100 WILSHIRE BOULEVARD, SUITE 1900
SANTA MONICA, CALIFORNIA 90401

TELEPHONE: (310) 576-1233
FACSIMILE: (310) 319-0156

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BRYCE GEE
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†Also admitted to practice in New York and Massachusetts

October 24, 2007

VIA FACSIMILE & U.S. MAIL

Melodee A. Mathay
Senior Commission Counsel
Enforcement Division
Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, California 95814-2329
Facsimile: (916) 322-0886

Re: FPPC No. 04/250 — Latino Builders Industry Association

Dear Ms. Mathay:

This letter will confirm that we are authorized to accept service of the accusation in the above matter on behalf of the Latino Builders Industry Association.

Please contact me if you have any questions or if I can provide you with any additional information.

Sincerely,


Aimee Dudovitz



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

December 24, 2007

Via Federal Express

Aimee E. Dudovitz
Strumwasser & Woocher
100 Wilshire Boulevard, Suite 1900
Santa Monica, CA 90401

NOTICE OF INTENT TO ENTER DEFAULT DECISION AND ORDER

Re: FPPC No. 04/250, Latino Builders Industry Association

Dear Ms. Dudovitz:

Enclosed please find a courtesy copy of the Default Decision and Order, and accompanying Exhibit and attachments, in the above matter. The Fair Political Practices Commission will consider these papers at its public meeting on **January 10, 2008**, and decide whether to impose an administrative penalty in the amount of **\$55,000** against your client. The Commission's Executive Director issued an Accusation against your client on December 6, 2007, and it was personally served on you, by written authorization, on December 7, 2007. Under the Administrative Procedure Act, you were required to file a Notice of Defense within 15 days after service of the Accusation, or by December 22, 2007. You failed to file this document by the deadline. As such, your client's right to a hearing has been forfeited, and it is in a default position.

At its public meeting on **January 10, 2008**, the Commission may impose an administrative penalty against your client in the amount of **\$55,000**, as stated in the enclosed documents. This is the maximum penalty the Commission may impose for the eleven violations which occurred between November 5, 2001 and October 24, 2004. Please be advised that you and your client may appear at the Commission meeting, which commences at 10:00 a.m. in the 8th floor hearing room, and make a presentation regarding the default proceedings. Please contact me before January 10, 2008, if you wish to appear at the meeting, so that I may inform the Executive Director.

If you have any questions, please feel free to contact me at (916) 322-5660.

Sincerely,

Melodee A. Mathay
Senior Commission Counsel
Enforcement Division

Enclosure